

THE MARYLAND WILDLIFE ADVISORY COMMISSION
MINUTES – JUNE 21, 2006

Chairman V. Wilson Freeland called the meeting to order at 9:30 a.m.

Approval for June 21, 2006 Wildlife and Heritage Service Working Agenda

- The June 21, 2006 WAC Agenda was adopted without changes.

Approval for Minutes from May 2006 Meeting

- The May 2006 Meeting Minutes were adopted without changes.

Fur Resources Advisory Committee Report

- Presentation given by Morgan Bennett, Chairman of the Fur Resources Advisory Committee (FRAC) and Robert Colona, Furbearer Biologist for DNR.
- FRAC Chairman Bennett provided a FRAC synopsis of what activities have been worked on since the last report to the WAC.
 - 1) Furbearer Permit regulations approved by FRAC and adopted by DNR.
 - 2) The Maryland's Trappers Association was charged with providing trapper education course for the new Trapper Education requirement.
 - 3) Trappers are required to pass the trapper education course. Exemption status was granted to landowners and fox chasers.
 - 4) Fox chasers are required to purchase a furbearer group permit.
- Chairman Bennett resigned as of June 21, 2006 as chairman of FRAC. Mr. Bennett started working with DNR in 1957 and has served on the Fur Resources Advisory Committee since 1975.
- Commissioner Fry requested a copy of the furbearer regulations. The furbearer regulations were issued to the Commission prior to Commissioner Fry's appointment. An electronic copy of the furbearer regulations will be provided to Commissioner Fry.
- Robert Colona expanded on the license and furbearer permit regulations. For more information regarding furbearer regulations go to <http://www.dnr.state.md.us/huntersguide/furbearers.asp> [Appendix I].
 - 1) To merge the trapper education piece as part of the hunter safety course would have been difficult in the allotted time for the typical firearms education/hunter education program.
 - 2) Additionally, staff wanted the trapper education to be the focal point of the course.
 - 3) Members of the trapping community have agreed to volunteer as instructors.
 - 4) Robert Colona will teach the instructors the curriculum; and the safety education staff will oversee administration of the training program.
 - 5) Mr. Colona is working on the training manuals for the students and the instructors.
 - 6) The trapper education course will incorporate some of the best management practices with modifications to address Maryland's needs.
- Mr. Colona lead the discussion on coyotes in Maryland. Mr. Colona handed out *Coyote in Maryland*, which conveys coyote's natural history, behavior, and the Maryland regulatory history. [Attachment A].
- Mr. Colona highlighted points from the *Maryland's Bowhunter Survey- "Furbearers, Rabbits and Squirrels Final Report 2002-03 and 2003-04"* [Attachment B] and the "Statewide Furbearer Observations by Year 2002-2003 and 2003-2004 Bowhunter Survey" statistical data. [Attachment C]
 - 1) Coyotes are a very adaptable species. Maryland and Delaware were the last two continental states to have coyotes establish local populations.
 - 2) Coyotes are located in every county in Maryland. We have a nuisance wildlife hotline number [(877) 463-6497] for citizens to call for non-lethal and lethal solutions to manage nuisance problems.
 - 3) The Department has a list of wildlife control cooperators that are licensed to handle nuisance wildlife situations.
 - (a) There are fees associated with the wildlife control cooperators (WCC) services. The Department does not regulate the fees.
 - 4) Coyotes may be hunted year-round as a managing tool, especially for farmers and livestock.

- 5) The highest density in population is located in western Maryland, and the lowest density is located in eastern Maryland.
- 6) The operating cost of the USDA Wildlife Hotline services is \$80,000 at the expense of the hunters' dollars.
- 7) Commissioner Fry noted that the coyote observations by county [**Attachment C**] were unchanged for the last two years reported.
 - (a) The nuisance complaints increased by 50 percent during the same time.
 - (b) If the 2005 reporting indicates an increase of 50 percent more in complaints, an evaluation of wildlife management should be implemented.
 - (c) The increase is noted in the urban and suburban corridor for several reasons. Incidents involving coyotes have truly heightened and sightings have elevated; therefore, the subject of coyotes has been in the press, which brings more public awareness.
- 8) Robert Colona agreed to compile an article about coyotes for the Maryland Farm Bureau. Mr. Kurt Fuchs will facilitate the arrangements.

Migratory Game Bird Advisory Committee Report

- Presentation given by Ladd Johnson, Chairman of the Migratory Game Bird Advisory Committee and Larry Hindman, Waterfowl Biologist for DNR.
- Mr. Larry Hindman briefed the Commission on a few items about Atlantic Population Canada Geese [**Appendix II**]:
 - 1) Atlantic Population (AP) Geese Status – This years nest survey was in the Ungava Bay Area, which is the area east of the Ungava Peninsula. With a very early spring, the birds started out with excellent nesting effort. The nesting survey indicates there was a considerable amount of depredation caused by black bears. The nest densities were below what they have been in recent years.
 - 2) On the Hudson Bay Coast, no nesting surveys were conducted. Staff used a model with May temperatures and June snowfalls to predict the production and age ratio at banding. The birds demonstrated strong nesting effort.
 - 3) The productivity of the AP on the Ungava Peninsula in 2006 should result in average to good ratings.
- Surveillance of the H5N1 Avian Influenza has been conducted in all states and even through Canada.
 - 1) The U.S. Geological Survey's National Wildlife Health Center (USGS) initiated the surveillance to provide early detection of the H5NI virus in migratory birds to help agricultural and health agencies plan accordingly.
 - 2) This virus has not been detected in North America. It remains as a poultry disease.
 - (a) Maryland's resident geese sampling began in June.
 - (b) U.S. Department of Agriculture (USDA), Wildlife Services along with Wildlife and Heritage Service staff members will be focusing on species that are affiliated with populations in Alaska, Asia, eastern Arctic, and Europe.
 - (c) The top species to obtain samples from are: tundra swans, greater scaup, long-tailed ducks, lesser scaup, and canvasbacks.
 - (d) DNR received 800 sampling materials for conducting testing on live capture birds and hunter harvested birds.
 - (e) USDA will conduct additional samplings from wild birds and their feces.
 - (f) Maryland received about \$80,000 from USDA, Wildlife Services to conduct testing. The samples will be taken to a certified Department of Agriculture lab in Salisbury, Maryland. The collected data will be transfer to a national network.
 - (g) Waterfowl, in particular shorebirds, carry different types of avian influenza. Last year DNR collected samples detecting low pathogenic strains of AI which do not cause illness in birds or any risk to humans.
 - (h) For further information, please visit our website:
http://www.dnr.state.md.us/wildlife/Avian_Bird_Flu.asp
 - (i) Migratory Game Bird Advisory Committee (MGBAC) agreed that since the Asian H5N1 AI could possibly cause a threat, the Department needs to know where all the pen-raised and released birds are being sold and released.

- (i) Presently the Regulated Shooting Area (RSA) Permit is the only way the Department may obtain that kind of data but it is limited because it only identifies RSA release sites.
- (ii) The MGBAC is exploring the idea of a mallard release permit as well as changes to the existing RSA permit.
 - a. This permit would be for the individual who has less than 200 acres and are not register as a RSA.
 - b. The idea is to have a similar change to the RSA permit. Currently, there are no criteria for the category of individuals that own less than 200 acres.
 - c. The MGBAC felt that it was imperative that the Department obtains this type of information from anyone that is planning to purchase and release birds.
 - d. The MGBAC is working towards amending the RSA permit to make it consistent with the federal regulations, which would allow RSA permittees to feed their birds up to 10 days before hunting.
- (iii) The Harness Creek Project in Dorchester County would keep salt water from intruding out into the upper part of Blackwater River. This project would have a tremendous impact on Blackwater National Wildlife Refuge. Also, it is the future site for the dredging of Chesapeake Bay to help restore the Blackwater marshlands.

Live Decoy Discussion:

- Presentation given by Ladd Johnson, Chairman of the Migratory Game Bird Advisory Committee.
 - 1) The live decoy definition is unclear. The MGBAC asked NRP to reexamine the regulations pertaining to live decoys.
 - (a) Guidelines are necessary, especially for those who participate in the mallard release program.
 - (b) Clarify what would constitute as live decoy violations.
 - 2) Background:
 - (a) Majority people believe that the released mallards' behavior should be similar to wild mallards.
 - (b) Fear of humans is not an inherited characteristic; it's a learned characteristic. The law and policymakers must acknowledge that the fear of humans is learned behavior.
 - (c) The "Live Decoy" law was written in 1933, as a result of a study conducted by Francis Euler of the National Geological Survey. It was conducted on the Illinois and Ohio rivers where over 500,000 mallards were kept as live decoys. The birds were tame-acting and captive-reared. Also, the birds were being fed corn. The history of the law is to address tame-acting or captive-reared birds. It did not include using free-flying or birds that act as wild birds as a tactic to lure migratory birds.
 - (d) The "Live Decoy Law" is outdated. For continuity, the MGBAC suggested that it would be helpful if Maryland adopts the federal definitions of live decoys.
 - 3) USFWS vs. NRP Interpretation of "live decoys"
 - (a) USFWS has an interpretation that what has been observed in Maryland is somewhat contradictory.
 - (i) USFWS outlined that raised release ducks on a farm does not automatically constitute a live decoy violation.
 - (ii) USFWS agents have to validate the use or the aid of tame-acting and/or captive-reared birds to harvest other wildlife.
 - (iii) USFWS law enforcement agents are trained to consider weather, wind, locality of the birds, etc.
 - (iv) USFWS law enforcement agents have to prove that the birds were used as aids or live decoys.
 - (v) Chairman Ladd Johnson was able to obtain this clarification in writing by the USFWS, Chief of Law Enforcement.
 - (b) The Migratory Game Bird Advisory Committee submitted a letter with a list of questions to the Department asking for direction on the inconsistencies in the regulations. The desired outcome is a universal understanding of what constitutes as "live decoy."
 - 4) The Department recognizes that there is a need for additional outreach and education on this subject.
 - (a) The WHS and NRP staff have met and had many dialogues on this matter. Director Peditto has been assigned to facilitate and submit guidelines borne of consensus within the Agency.

- (b) A meeting with key stakeholders will be arranged once the Department has reached a consensus on the definitions of live decoy.
- Discussion:
 - 1) There is no issue with the tower released birds; it's the free-flying birds that have come under scrutiny with regards to the live decoys debate.
 - 2) The Commission engaged in a lengthy live decoy discussion:
 - (a) Individuals are issued citations from NRP for violating the live decoy regulations based on NRP interpretation.
 - (b) Chairman Freeland mentioned that it is a disservice to the RSA permittees by not having the guidelines in writing.
 - (c) This is an issue that is always receiving national scrutiny.
- Motion:
 - 1) Commissioner Pascal moved that the State of Maryland follows the federal regulations when it comes to the RSAs and use the federal interpretation. Commissioner Brown seconded.
 - 2) Floor opened for discussion.
 - 3) Commissioner Lamp moved to amend the motion to allow an opportunity for the Department to make changes to the interpretation if the federal interpretation does not fit into Maryland's system. No second. Motion failed.
 - 4) Commissioner Adams expressed concerns about voting in favor of this without having a vote from the MGBAC. Commissioner Adams encouraged the USFWS and the Department to come to an agreement on this issue.
 - 5) Motion carried with one abstention.

Natural Heritage Program Update

- Power Point Presentation given by Glenn Therres, Associate Director of the Heritage Program.
- Glenn Therres outlined the Heritage Program component of the Wildlife and Heritage Service. Please refer to [Appendix III].
- Mr. Therres handed out the Wildlife Diversity Conservation Plan (WDCP) – Executive Summary [Attachment D] to each attended WAC member. The WDCP is a document that reaches beyond just the traditional state listed species to identify those wildlife species in greatest conservation need and focuses resources to those actions needed to conserve them and their key habitats.
- Mr. Therres also handed out MD-DNR Teaming with Wildlife Report [Attachment E].

Maryland Farm Bureau Update

- No Report.

Natural Resources Police Update

- Deferred to the July 19th WAC meeting.

Old Business

- The Commission has received Phil Norman's acceptance letter to serve on the Urban Wildlife Subcommittee.

New Business

- Update on DNA Findings and Conclusions for Black Bears given by Harry Spiker, Black Bear Project Leader.
 - 1) In addition to periodic population surveys, WHS conducts a number of annual surveys used to monitor trends in the black bear population.
 - 2) The direct cost of the recent DNA study was about \$50,000 cost to the WHS. Black bears are intelligent animals, which makes locating them difficult. It takes a lot of work.
 - 3) This study used DNA analysis technology to identify individual bears.
 - (a) WHS staff collected black bear hair samples at trap sites throughout Garrett and Allegany counties.
 - (b) The samples were then forward to a laboratory where genetic analysis technology was used to examine each sample and identify the individual bear that left the hair behind.

- (c) Procedural Steps that were taken:
 - (i) 240 bait stations were set-up;
 - (ii) 752 samples were sent to the DNA laboratory;
 - (iii) The DNA identification process was then subjected to a rigorous statistical analysis.
- (d) The 2005 study produced a population estimate of 326 adult and subadult (yearly) black bears in Garrett and western Allegany counties.
- (e) This represents a 44 percent increase over the 227 adult and subadult bears estimated 5 years earlier by a similar study.
- (f) The confirmation of the number of bears found in Maryland's core bear area (Garrett and western Allegany counties) has increased since 2000 according to the 2005 study. All of this data indicate that our black bear population continues to grow.
- The 2006 Black Bear Hunting Season Recommendations:
 - 1) WHS has set a quota of 35 to 55 bears for the upcoming season.
 - 2) WHS will award 220 bear-hunting permits through a random drawing process.
 - 3) The black bear hunting season has two splits: October 23 – 28, 2006 and December 4 – 9, 2006.
 - 4) This year's quota is similar to last year's and keeps with our commitment to slowing the growth of the bear population in Maryland while ensuring that bears, people and their environment can co-exist peacefully.

Public Comment

- No written public comment was submitted to the Commission.
- A member from the Maryland Outfitters and Guides Association (MOGA) pleaded with the Department to come to agreement about the "live decoy issue" as soon as possible.

Adjournment

- The meeting was adjourned at 12:20 P.M. The next meeting will be held at 9:30 A.M. on Wednesday, July 19, 2006 in the Tawes State Office Building, C-1 Conference Room, in Annapolis, Maryland.

Attendance

| | |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| Members: | L. Adams, R. Brown, W. Freeland, E. Fry, J. Lamp, R. Pascal |
| Guests: | D. Baker III, M. Bennett, H. Dierker, K. Fuchs, L. Johnson, T. Johnson, K. Schrader, C. Thomson, |
| Staff: | A. Baker, B. Beyer, S. Bittner, K. Blizzard, R. Colona, L. Hindman, M. Hoffman, P. Jayne, P. Peditto, M. Slattery, T. Spencer, H. Spiker, G. Therres |
| Absent: | C. Garner, G. Fratz, L. Julio |